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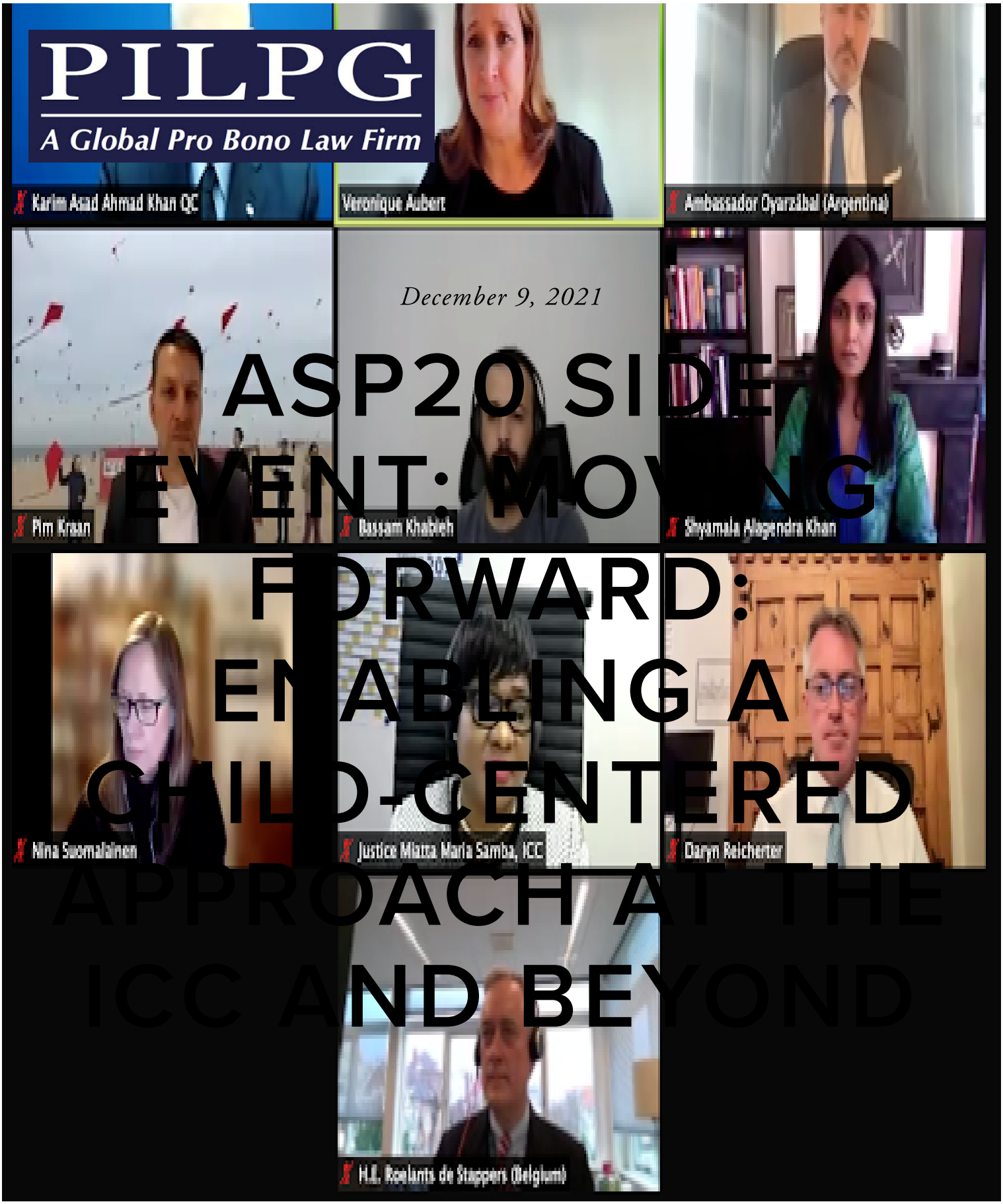

December 9, 2021

ASP20 SIDE EVENT: MOVING FORWARD: ENABLING A CHILD-CENTERED APPROACH AT THE ICC AND BEYOND

ICC (/lawyering-justice-blog/category/ICC)

20TH SESSION OF THE ASSEMBLY OF STATES PARTIES

9 December 2021

Name of the Event: Moving forward: Enabling a child-centered approach at the ICC and beyond (co-hosted by: Argentina, Belgium, Sierra Leone, Office of the Prosecutor, Save the Children, and Justice Rapid Response)

Report by: Claire Kaula, Junior Research Associate PILPG-NL

Highlights:

- Currently, children are "invisible" in international criminal proceedings even though many children are victims of international crimes.
- Children are capable of taking part in legal proceedings and telling their story.
- Five years after the launch of the Officer of the Prosecutor (OTP) Policy Paper on Children in 2016, the next step for the ICC is to implement the policy.

Speakers:

- **Veronique Aubert (Moderator)**, Special Adviser on Crimes Against and Affecting Children, Save the Children United Kingdom;
- **H.E. Roelants de Stappers**, Ambassador and Permanent Representative of Belgium to the International Institutions in The Hague;
- **H.E. Alhaji Fanday Turay**, Ambassador and Permanent Representative for Legal Affairs, Permanent Mission of Sierra Leone to the United Nations (New York);
- **Karim Asad Ahmad Khan QC**, Prosecutor, International Criminal Court;
- **Bassam Khabieh**, photographer, "Witness to War: The Children of Syria";
- **Pim Kraan**, Chief Executive Officer, Save the Children Netherlands;
- **Justice Miatta Maria Samba**, Judge, International Criminal Court;
- **Nina Suomalainen**, Executive Director, Justice Rapid Response;
- **Shyamala Alagendra Khan**, Gender and Child Rights Advisor, Independent Investigative Mechanism for Myanmar (IIMM); former Assistant Director of Public Prosecutions of Fiji;

- **Dr. Daryn Reicherter**, Director, Human Rights in Trauma Mental Health Laboratory;
- **H.E. Mario Oyarzábal**, Ambassador and Permanent Representative of Argentina to the International Institutions in The Hague

Summary of the Event:

H.E. Roelants de Stappers of Belgium opened the event by highlighting the fact that many children witness and are victims to atrocity crimes but they are invisible in the courtroom. He expressed that more needs to be done to ensure that international tribunals remain focused on children, and that policies and best practices related to crimes affecting children are implemented.

Following, H.E. Alhaji Fanday Turay of Sierra Leone also emphasized that there are alarming rates of violations against children. He argued that while the international community recognizes justice and accountability for these crimes, in practice children remain invisible. He expressed his disappointment that after the launch of the OTP Policy Paper on Children in 2016, the Assembly of States Parties has not further focused on addressing the challenges of investigating and prosecuting international crimes related to children.

Next, Prosecutor Karim Asad Ahmad Khan QC expressed his honor to speak on this "extremely timely and absolutely essential topic." He said that focusing on children in prosecuting international crimes is his priority. He acknowledged the 2016 OTP Policy Paper but said that the next challenge is implementation. So far in his time in office, he noted that he has moved the Gender and Children P4 to report directly to the two Deputy Prosecutors next year, and he has plans for the Gender and Children Unit to review investigation plans. He said he also wants to hire two new advisors on gender and children, and believes that the key way to recognize children as rights holders is to have custom approaches for them.

The event then had a special presentation, exhibiting the images taken by photographer Bassam Khabieh of children in the Syrian War. Select images can be seen on his website here: https://www.witnessestowar.com (https://www.witnessestowar.com). He expressed how his photographs only capture a few moments and that there are many more memories of the children not captured.

Then the panelists discussed their expertise. First, Pim Kraan presented the barriers in the accountability of crimes violating children. These include the attitudes and stereotypes towards children, such as they cannot be credible sources, and the lacking financial funds to build support structures.

Second, Justice Miatta Maria Samba offered suggestions of how to include children in international court proceedings. She expressed that if children need to testify in person they should have the opportunity to familiarize themselves with the courtroom before. However, she thinks a better

solution is for children to testify without being involved in formal proceedings and offered multiple ways to do this. She also expressed the need for expedited trials where children are involved so they can offer testimony before they forget and receive remedies before they are adults.

Third, Nina Suomalainen expressed the need for experts on children. She said it is critical to keep a child-focused lens in all investigations, and expressed that crimes against children are not limited to child soldiers. International criminal crimes against children are a part of many different contexts, she said. Furthermore, she expressed that children's participation in legal proceedings should not be based on whether their testimony will do well, but we need to think of other creative ways to include children.

Fourth, Shyamala Alagendra Khan shared her experiences of including children in international legal proceedings of the Special Court for Sierra Leone. She said that the international community cannot know the true impact of crimes against children without listening to them. One of her main suggestions to the ICC is to implement the expertise and guidelines that domestic legal systems have for children.

Fifth, Dr. Daryn Reicherter, confirmed what many panelists said that there is a great need for experts to provide psychological support for children in justice mechanisms. He noted that with such support children are able to and should be included. He expressed that with expert help and special care there need not be any fear of re-traumatizing children by having them participate in legal proceedings. He emphasized that children are capable of telling their story and have their voices be heard.

The event closed with H.E. Mario Oyarzábal who expressed the importance of having a child-focused lens for international criminal proceedings, and presented examples of Argentinean domestic child-focused guidelines that the international community could be inspired to implement.

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